

4.05 Limited Licensure for Expert Technical Testimony

1. The term “practice of engineering”, as defined in the law, includes “expert technical testimony”, thus requiring licensure as a Professional Engineer.

a. For purposes of Mississippi Code Section 73-13-3, testimony that is theoretical or general in nature, and does not refer to or relate to any site, project, or activity located in Mississippi shall not be considered expert engineering testimony, and licensure as a Professional Engineer in Mississippi is not required, *unless* such expert represents himself as an engineer or claims engineering expertise, qualifications, or credentials.

b. If such testimony pertains to or contains any engineering analysis, design, assessment, opinion, recommendation, or evaluation of a site, project, or activity located in Mississippi, licensure as a Professional Engineer in Mississippi is required.

c. Recognizing there may be instances in which these experts may not qualify for full practice privileges in Mississippi due to education, examination or experience as required by Board Rule 4.01, the Board may consider issuing a limited license, exclusively for the purpose of providing expert technical testimony under the following provisions:

1. The applicant submits:
 - a. the Board’s PE comity application form with fee
 - b. references from three (3) Professional Engineers who act as “sponsors” of the applicant
 - c. a written explanation describing the applicant’s purpose for requesting this limited license, including a written verification from the applicant’s client or client’s representative
 - d. verification of current licensure in at least one other state
 - e. a written explanation of any disciplinary actions taken against the applicant by any other state licensing board
2. The application is reviewed by the Board staff and Board members, and the limited license is issued following the same schedule as that for comity PE applications.
3. The engineering practice allowed by this limited license is limited to providing expert technical testimony.

4. The limited licensee is bound by the Mississippi law and rules regarding engineering practice during the period of the limited license.

**MISSISSIPPI BOARD OF LICENSURE
FOR PROFESSIONAL ENGINEERS & SURVEYORS**

Post Office Box 3
JACKSON, MISSISSIPPI 39205
(601) 359-6160

April 19, 2007

Mr. Bill Thompson
Assistant Secretary of State
P. O. Box 136
Jackson, MS 39205


Dear Mr. Thompson:

Enclosed is a Notice of Proposed Rule Adoption for my Board as authorized by 73-13-15 of state law. We are proposing a new rule (Rule 4.05) requiring a limited practice license for comity Professional Engineers wanting to give expert technical testimony on engineering matters in the state of Mississippi.

I am also sending this proposed rule filing by email in both Word and PDF formats.

Please advise me if I need to do anything else to accomplish a proper filing so that this change can become effective June 19, 2007.

For my Board,

A handwritten signature in cursive script that reads "Rosemary Brister".

Rosemary Brister
Executive Director